UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CITY OF SOUTH BEND,   )
)
                Plaintiff,   )
)
        v.   )   Cause No. 3:12-cv-475
)
HOLDER, et al.   )
)
                Defendants.   )

KAREN DEPAEPE'S MOTION OBJECTING TO DISMISSAL OF THE CITY OF SOUTH BEND AND FOR LEAVE TO AMEND ANSWER TO FILE CROSS CLAIM

Karen DePaepe, by counsel, Marielena Duerring, moves this Court for an order denying stipulation of dismissal filed by the City of South Bend and for leave to amend her Answer to add a Cross Claim against the City of South Bend (hereinafter "City") pursuant to Federal Rules of Civil Procedure 13(g) and R. 15(a)(2).

1.   DePaepe and the City are co-defendants in the Cause 3:12-CV-532 JVB-CAN, (consolidated herein) and as such are co-parties as defined in Fed. R. Civ. P. 13(g).

2.   DePaepe is seeking to file a cross-claim against the City based upon the claim that if DePaepe is found liable under the allegations of the Plaintiff's Complaint she is entitled to indemnification from the City.

3.   DePaepe's cross claim arises out of the transaction or occurrence that is the subject matter of the original action.

4.   Permitting DePaepe's cross claim would avoid the initiation of a separate

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independent action against the City thereby saving this court's time and resources, as well as the

parties time and resources, as well as resolving the entire subject matter arising from one set of

facts in one action.

     5.   Despite the Stipulation of Dismissal filed by the Plaintiffs and the City, the City

remains a party to the consolidated lawsuit case No. 3:12-CV-475. As such, the denial of the

Stipulation of Dismissal does not prejudice the City.

     6.   Permitting DePaepe to amend her Answer to include a cross claim for

indemnification will not prejudice the City nor the Plaintiffs given the fact that the discovery in

this cause was bifurcated and sufficient time exists to allow the City to fully defend against the

cross claim without causing any delay in the resolution of the original claim.

     7.   DePaepe's proposed Amended Answer adding her cross claim against the City is

attached hereto.

     WHEREFORE, DePaepe requests this Court deny the Stipulation of Dismissal and

grant leave for DePaepe to amend her Answer to add her cross-claim against the City and for all

other just and proper relief in the premises.

               Respectfully submitted,

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